

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

NOTICE OF REMOVAL

COMES NOW Defendant, Deodis Jones, by and through his attorneys, Roberts Perryman, P.C., and files his Notice of Removal stating the following:

INTRODUCTION

1. A civil action has been commenced and is now pending in the Circuit Court of Webster County, Missouri, Cause No. 21WE-CC00030, where in Elizabeth Garlington is Plaintiff, and Deodis Jones, Jr. and ASF Intermodal, LLC are Defendants.
2. This action is a civil action wherein Plaintiff has pled damages for personal injuries as a result of Defendants' alleged negligence liability in connection with a motor vehicle collision occurring on August 15, 2017.
3. Defendant Deodis Jones, Jr. has been served with Plaintiff's Petition and has consented to the removal.
4. Defendant ASF Logistics, LLC has not been served with the Petition.

DIVERSITY OF CITIZENSHIP EXISTS

5. This action is a civil action, of which the United States District Courts have original jurisdiction pursuant to 28 U.S.C. §1332 and is one which may be removed to this Court

by Defendants pursuant to 28 U.S.C. §1441, and this is a civil action or proceeding involving diversity of citizenship.

6. Plaintiff Elizabeth Garlington is a citizen of Missouri.

7. Defendant Deodis Jones, Jr. is a citizen of Arizona.

8. Defendant ASF Intermodal LLC was a limited liability corporation existing under the laws of the State of Alabama with its principal place of business in Alabama. ASF Intermodal LLC is now dissolved. No member of Defendant ASF Intermodal LLC was a citizen of Missouri at the time of this accident or at the time of this removal. See also Stipulation for Removal filed with the removal pleadings.

9. Therefore, there is complete diversity between the parties.

THE AMOUNT IN CONTROVERSY HAS BEEN SATISFIED

10. The amount in controversy exceeds 75,000.00 exclusive of interest and costs. Because this is a personal injury action where Plaintiff claims damages for a traumatic brain injury, structural brain injury, cervical radiculopathy, post-traumatic stress disorder, past and future pain and suffering, lost wages, and future medical treatment. Therefore, Defendant believes the amount in controversy shall exceed the minimum jurisdictional amount of \$75,000.00, whereas the amount in controversy requirement is satisfied.

NOTICE OF REMOVAL IS TIMELY

11. Less than thirty (30) days has elapsed since receipt of said initial pleadings by Defendant.

12. Defendant files herewith a copy of all process, pleadings, and order it has in this action. See *Exhibit A*.

WHEREFORE Defendant Deodis Jones, Jr., by and through his counsel, prays the Court to accept his Notice for Removal, and make and enter such orders as may be necessary to effect the complete removal of this action from the Circuit Court of Webster County, State of Missouri, to the United States District Court for the Western District of Missouri, and that further proceedings be discontinued in the State Court and all future proceedings be held in this Court, as the laws in such case provide.

Respectfully submitted,

ROBERTS PERRYMAN, P.C.

/s/ Ted L. Perryman

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing has been filed upon the Court's electronic filing system this 1st day of June 2021 to:

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